

COURTS-MARTIAL

1. GENERAL: The military justice system has three levels of courts-martial. Each level of court-martial has increase power as to the type of punishments it may impose.

2. SUMMARY COURT-MARTIAL:

a. A summary court-martial is the lowest level court-martial in the military justice system. A summary court-martial is ordinarily used to dispose of relatively minor offenses, where nonjudicial punishment is not warranted.

b. A summary court-martial is composed of one officer, who acts as judge, prosecutor, and defense counsel. A military defense counsel is not authorized to represent you in a summary court-martial. You may be represented by a civilian defense counsel at your own expense.

c. The maximum punishment that may be imposed by a Summary Court-Martial is:

(1) Reduction to one grade from the fifth or higher pay grade.

Reduction to E1 from the fourth or lower pay grade.

(2) Confinement for 30 days for PFC's and below.

(3) Forfeiture of two-thirds pay for one month.

(4) Hard without confinement for 45 days (If confinement is not adjudged).

(5) Restriction for 45 days (If confinement if not adjudged). 60 days restriction if hard labor without confinement is not adjudged.

d. You do not have to accept trial by Summary Court-Martial. You may decline to be tried by Summary Court-Martial.

e. Conviction by Summary Court-Martial is not consider a Federal conviction unless you are represented by qualified legal counsel.

2. SPECIAL COURT-MARTIAL:

- a. A Special Court-Martial is normally used to dispose of cases more severe than those tried by Summary Court-Martial. The punishments that may be adjudged in a Special Court-Martial are more severe than those in a Summary Court.
- b. A Special Court-Martial consists of a military judge, at least three court members (unless the accused chooses to be tried by military judge alone), a prosecutor and a defense counsel. An accused may request that one-third of the panel in his case be enlisted.
- c. The maximum punishment that may be imposed by a Special Court-Martial is:
 - (1) Bad Conduct Discharge.
 - (2) Confinement for 6 months.
 - (3) Forfeiture of two-thirds pay for 6 months.
 - (4) Reduction to E1.
- d. Conviction by a Special Court-Martial is considered a Federal conviction.
- e. If the accused receives a Bad Conduct Discharge, his case is automatically reviewed by the Army Criminal Court of Appeals.

3. GENERAL COURT-MARTIAL:

- a. A general court-martial is the highest level military court-martial. A general court-martial tries the most serious offenses.
- b. A general court-martial is composed of a military judge, at least five members (unless the accused choose to be tried by military judge alone), a prosecutor, and a defense counsel. You may be represented by a civilian counsel at your own expense. The accused by requests that one-third of his panel be enlisted.
- c. Unless waived by the accused, a formal investigation must occur before a general court-martial may try the case. The investigation is conducted pursuant to Article 32, UCMJ by a commissioned officer. The accused, his defense

counsel, and a government representative are present during the Article 32 investigation hearing.

d. A general court-martial may adjudge the most severe sentences authorized by law, including death, life imprisonment, and a dishonorable discharge.

e. If the accused receives a punitive discharge or more than 1 year confinement, his case is automatically reviewed by the Army Court of Criminal Appeals.